

Arizona Revised Statutes azbikelaw.org

Title 28 - Transportation Laws: Excerpts related to Bicycling w/Annotations

Law last changed April 17, 2000. My notations updated: (Mar 2014 -- added 28-905 "dooring" statute) (Feb 2014 -- added 28-721B Slow moving vehicle) (April 2011 -- added 28-904: sidewalks, added 28-701: Basic speed rule, 28-730: following too closely, 28-954: horns, 28-3151: Driver license requirement) (August 2005 -- added definition of "roadway", tightened up several other definitions, and removed 28-724. Overtaking on the right, and some general cleanup of Chapter numbers. Added 28-626/627 the uniformity and local authorities statutes, and 28-733 the controlled access highway restriction)

For the Arizona Revised Statutes ("ARS"), from the Arizona State legislature website, click [here](#)

Laws are quoted verbatim from ARS, any emphasis appearing below is emphasis added, including *italics*, underlines and **bold**. I AM NOT AN ATTORNEY. Notations appear within square brackets [\[in this color\]](#) and are my opinion only and presented for educational purposes. If you have a specific legal situation and especially if you have been involved in a collision you should seek the advice of an [attorney](#).

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Chapter 1. Definitions and Penalties / Article 1. Definitions

[§28-101](#). Definitions

...

6. "Bicycle" means a device, including a racing wheelchair, that is propelled by human power and on which a person may ride and that has either:

(a) Two tandem wheels, either of which is more than sixteen inches in diameter.

(b) Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.

...

30. "Moped" means a bicycle that is equipped with a helper motor if the vehicle has a maximum piston displacement of fifty cubic centimeters or less, a brake horsepower of one and one-half or less and a maximum speed of twenty-five miles per hour or less on a flat surface with less than a one per cent grade.

31. "Motor driven cycle" means a motorcycle, including every motor scooter, with a motor that produces not more than five horsepower.

32. "Motor vehicle":

(a) Means either:

(i) A self-propelled vehicle.

[Nota Bene: bicycles are NOT motor vehicles by definition]

...

56. "Vehicle" means a device in, on or by which a person or property is or may be transported or drawn on a public highway, excluding devices moved by human power... **[bicycles are not defined to be a vehicle, but see 28-812]**

Chapter 3/Article 1 - Definitions

§28-601. Definitions

...

21. "Roadway" means that portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder....**[Note that the roadway does not include the shoulder. Also see: Is a bike lane part of the roadway?]**

Article 2- Obedience to and Effect of Traffic Laws

§28-626. Uniform application of laws throughout state; local ordinances or regulations

A. The provisions of this chapter and chapters 4 and 5 of this title are applicable and uniform throughout this state and in all political subdivisions in this state.

B. A local authority:

1. Shall not enact or enforce an ordinance or regulation in conflict with this chapter or chapter 4 or 5 of this title unless expressly authorized by this chapter or chapter 4 or 5 of this title.

2. May adopt additional traffic regulations that are not in conflict with this chapter or chapter 4 or 5 of this title...

[this is a generally good provision: cities may not make contradictory law, but they may go "above and beyond" so long as it's consistent]

§28-627. Powers of local authorities; definition

A. This chapter and chapters 4 and 5 of this title do not prohibit a local authority, with respect to streets and highways under its jurisdiction and within the reasonable exercise of the police power, from ...

8. Regulating the operation **[this is bad news simply because it *can* lead to inconsistent laws from city-to-city]** of bicycles and requiring the registration and licensing of bicycles, including the

requirement of a registration fee.

Article 3 - Traffic Signs, Signals and Markings

§28-645. Traffic control signal legend

...

C. The driver of a vehicle approaching an intersection that has an official traffic control signal that is **inoperative** shall bring the vehicle to a complete stop before entering the intersection and may proceed with caution only when it is safe to do so. ...

[Signals which do not change are inoperative]

Article 6 - Speed Restrictions

§28-701. Reasonable and prudent speed; prima facie evidence; exceptions

A. A person shall not drive a vehicle on a highway at a speed greater than is reasonable and prudent...[This is Arizona's "Basic Speed Law". It applies to bicyclists as well as motorists.]

E. A person shall not drive a motor vehicle at a speed that is less than the speed that is reasonable and prudent...[Note that ARS establishes no minimum speed for bicyclists]

§28-704. Minimum speed limits; requirement to turn off roadway

A. A person shall not drive a **motor vehicle** at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

B. ... authorities ... may determine and declare a minimum speed limit below which a person shall not drive a vehicle... [This grants, but does not establish, the authority to set a minimum. Bicyclists would then be bound to the minimum where established. However, it has been suggested that this may be one of the provisions that "by their nature" would not apply]

C. If a person is driving a vehicle at a speed less than the normal flow of traffic at the particular time and place on a two-lane highway where passing is unsafe, and if five or more vehicles are formed in a line behind the vehicle, the person shall turn the vehicle off the roadway at the nearest place designated as a turnout by signs erected by the director or a local authority, or wherever sufficient area for a safe turnout exists, in order to permit the vehicles following to proceed.

Article 7. Driving on the Right Side of the Roadway, Overtaking, and Passing

§28-721. Driving on right side of roadway; exceptions

B. On all roadways, a person driving a vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall drive the vehicle in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. **[This is the generic slow moving vehicle rule. It applies to bicyclists, so for example when proceeding straight along a multi-narrow laned road at a slow speed, a bicyclist must use the right-most through lane, unless passing another vehicle]**

§28-730. Following too closely

A. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent...**[Cyclists are exempted from following too closely altogether, whether it be another bicycle, or anything else. Motorists, however, must follow a bicycle at a "reasonable and prudent" distance]**

§28-733. Restrictions on use of controlled access highway

A. The director may, and local authorities by ordinance may, prohibit the use ... by pedestrians, bicycles or other nonmotorized traffic...

§28-735. Overtaking bicycles; civil penalties

[this entire section was added with the "3-foot passing" legislation of 2000, see HB2625 of the 44th legislature 2nd regular session]

A. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three feet until the motor vehicle is safely past the overtaken bicycle.

B. If a person violates this section and the violation results in a collision causing:

1. Serious physical injury as defined in section 13-105 to another person, the violator is subject to a civil penalty of up to five hundred dollars.
2. Death to another person, the violator is subject to a civil penalty of up to one thousand dollars.

C. Subsection B of this section does not apply to a bicyclist who is injured in a vehicular traffic lane when a designated bicycle lane or path is present and passable

Article 8. Turning, Starting and Signals on Stopping and Turning

§28-756. Method of giving hand and arm signals

A. Except as provided by subsection B, a person shall give all hand and arm signals required by this article from the left side of the vehicle in the following manner, and the signals shall indicate as follows:

1. Left turn. Hand and arm extended horizontally.

2. Right turn. Hand and arm extended upward.
3. Stop or decrease speed. Hand and arm extended downward.

B. A person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.

Article 11. Operation of Bicycles

§28-811. Parent and guardian responsibility; applicability of article

A. The parent of a child and the guardian of a ward shall not authorize or knowingly permit the child or ward to violate this chapter.

B. Except as otherwise provided in this article, this chapter applies to a bicycle when it is operated on a highway or on a path set aside for the exclusive use of bicycles.

§28-812. Applicability of traffic laws to bicycle riders

A person riding a bicycle on a roadway or on a shoulder adjoining a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this chapter and chapters 4 and 5 of this title, except special rules in this article and except provisions of this chapter and chapters 4 and 5 of this title that by their nature can have no application.

§28-813. Riding on bicycles

A. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.

B. A person shall not use a bicycle to carry more persons at one time than the number for which it is designed and equipped.

§28-814. Clinging to vehicle

A person riding on a bicycle, coaster, sled or toy vehicle or on roller skates shall not attach the bicycle, coaster, sled, toy vehicle or roller skates or that person to a vehicle on a roadway.

§28-815. Riding on roadways and bicycle paths; prohibition of motor vehicle traffic on bike paths

A. A person riding a bicycle on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations:

1. If overtaking and passing another bicycle or vehicle proceeding in the same direction.
2. If preparing for a left turn at an intersection or into a private road or driveway.
3. If reasonably necessary to avoid conditions, including fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals or surface hazards.
4. If the lane in which the person is operating the bicycle is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

[28-815(A) is what is known as a "Bicyclists must keep right rule", and includes the standard four exceptions. ARS also contains a generic "slow vehicle must keep right rule" with essentially the same language but without exception #3 and 4 -- see [§28-721](#).]

B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadway set aside for the exclusive use of bicycles.

C. A path or lane that is designated as a bicycle path or lane by state or local authorities is for the exclusive use of bicycles even though other uses are permitted pursuant to subsection D or are otherwise permitted by state or local authorities.

D. A person shall not operate, stop, park or leave standing a vehicle in a path or lane designated as a bicycle path or lane by a state or local authority except in the case of emergency or for crossing the path or lane to gain access to a public or private road or driveway.

E. Subsection D does not prohibit the use of the path or lane by the appropriate local authority.

[§28-816](#). Carrying article on bicycles

A person shall not carry a package, bundle or article while operating a bicycle if the package, bundle or article prevents the driver from keeping at least one hand on the handlebars.

[§28-817](#). Bicycle equipment

A. A bicycle that is used at nighttime ["**the period between sunset and sunrise**" -- §1-215] shall have a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front and a red reflector on the rear of a type that is approved by the department and that is visible from all distances from fifty feet to three hundred feet to the rear when the reflector is directly in front of lawful upper beams of head lamps on a motor vehicle. A bicycle may have a lamp that emits a red light visible from a distance of five hundred feet to the rear in addition to the red reflector.

B. A person shall not operate a bicycle that is equipped with a siren or whistle.

C. A bicycle shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

[§28-818](#). Bicycle safety fund

A. A bicycle safety fund is established. The department shall administer the fund....

Article 15. Miscellaneous

[§28-904](#). Driving on sidewalk

A. A person shall not drive a vehicle on a sidewalk area except on a permanent or duly authorized temporary driveway. [**inapplicable to bicyclists since the sidewalk is not "on a roadway or**

on a shoulder" , see §28-812]

§28-905. Opening vehicle door

A person shall not open a door on a motor vehicle unless it is reasonably safe to do so and can be done without interfering with the movement of other traffic... ["dooring"]

Article 16. Equipment

§28-954. Horns and warning devices

A. A motor vehicle when operated on a highway shall be equipped with a horn...**[Only motor vehicles are required to have a horn; ARS does not require bicycles to have an audible warning device]**

B. If reasonably necessary to ensure the safe operation of a motor vehicle, the driver shall give an audible warning with the driver's horn but shall not otherwise use the horn when on a highway.
[Special note to horn honkers]

§28-947. Special restrictions on lamps

...

D. A vehicle may have lamps that may be used to warn the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing. The vehicle may display these lamps as a warning in addition to any other warning signals required by this article. The lamps used to display the warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights or any shade of color between white and amber. The lamps used to display the warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and shall show simultaneously flashing amber or red lights or any shade of color between amber and red. These warning lights shall be visible from a distance of at least one thousand five hundred feet under normal atmospheric conditions at night.

[To summarize, Arizona allows optional flashing lights (some state do not allow flashing lights). Front flasher color must be amber or white. Rear flasher must be amber or red. Again, these are optional, for bicycle lighting requirements, see 28-817]

Chapter 8 Motor Vehicle Driver Licenses / Article 4 General Licensing Provisions

§28-3151. Driver license requirement

A. ...a person shall not drive a motor vehicle ... without a valid driver license...**[First off, this entire Chapter does not apply to bicyclists, see 28-812. Secondly, this statute applies specifically to driving a MOTOR vehicle. There is no license requirement for bicyclists in ARS]**

[§28-3164](#). Original applicants; examination

A. The department may examine an applicant for an original driver license or the department may accept the examination conducted by an authorized third party pursuant to chapter 13 of this title or documentation of successful completion of a driver education course approved by the department. The examination shall include all of the following:

1. A test of the applicant's:

(a) Eyesight.

(b) Ability to read and understand official traffic control devices.

(c) Knowledge of safe driving practices and the traffic laws of this state, **including those practices and laws relating to bicycles.** [this was added with the "3-foot passing" legislation of 2000, see HB2625 of the 44th legislature 2nd regular session]

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